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Protection of migrants

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 56/170 of 19 December 2001, entitled "Protection of migrants", the Secretary-General was requested to submit a report on the implementation of that resolution under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

In resolution 56/170, the General Assembly requested all Member States, in conformity with their respective constitutional systems, to effectively promote and protect the human rights of all migrants. The Assembly also called upon Member States to review immigration policies with a view to eliminating all discriminatory practices against migrants, protecting migrants against violent xenophobic acts, putting an end to arbitrary arrest and detention of migrants and ensuring full respect for and observance of the Vienna Convention on Consular Relations of 1963 as well as the other international human rights instruments to which they are party.

The report contains a summary of communications received from 15 States: Argentina, Azerbaijan, Bahrain, Belarus, Costa Rica, Cuba, Indonesia, Lebanon, Malaysia, Mauritius, Mexico, Qatar, Romania, the Sudan and the United States of America. Most of these communications provide detailed account of the legal provisions that each country has put in place to protect migrants, as well as programmes, campaigns and policies designed to this effect.

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In the present report, the Secretary-General has set out the important developments that have taken place in regard to the International Convention on the Protection of All Migrant Workers and Members of Their Families, in particular its imminent entry into force, pending one ratification. In his recommendations, the Secretary-General urges Member States to ratify the Convention as well as the United Nations Convention against Transnational Organized Crime and its Protocols on trafficking and smuggling.

Details are included on the mandate of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, her main activities and concerns. The Secretary-General encourages the Special Rapporteur to continue working for the protection of the human rights of migrants, in particular women and children.

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I. Introduction

1. In its resolution 56/170, entitled "Protection of migrants", the General Assembly took note of the positive treatment of the issue of migrants at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It underlined the importance of the creation of conditions that foster greater harmony between migrant workers and the rest of society of the States in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrants.

2. The General Assembly was encouraged by the increasing interest of the international community in the effective and full protection of the human rights of migrants and noted the efforts made by States to penalize international trafficking of migrants and to protect the victims of this illegal activity.

3. In the resolution, the General Assembly called upon States to review and, where necessary, revise immigration policies in view to eliminating all discriminatory practices against migrants and to provide specialized training for government policy-making and law enforcement, immigration and other concerned officials, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies. It also reiterated the need to fully protect the universally recognized human rights of migrants, regardless of their legal status.

4. Through resolution 56/170, all Governments were encouraged to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries. States were also called upon to protect the human rights of migrant children, in particular unaccompanied migrant children, ensuring that the best interests of the children and the importance of reuniting them with their parents, when possible and appropriate, are the paramount consideration.

5. The Secretary-General was requested to submit a report to the General Assembly at its fifty-seventh session on the implementation of resolution 56/170 under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

6. Pursuant to resolution 56/170, on 30 April 2002, the Office of the United Nations High Commissioner for Human Rights transmitted a note verbale to Governments, on behalf of the Secretary-General, requesting information on their implementation of the resolution. A similar communication was issued on 15 June 2001 with regard to the report of the Secretary-General on the "Protection of migrants" (A/56/310), submitted to the fifty-sixth session of the General Assembly pursuant to Assembly resolution 55/92. Some belated responses to that report are included in the present report.

II. Reports on the status of implementation

7. The Government of **Belarus**, in its communication of 31 July 2001, reported that it had established an effective system for the legal and social protection of refugees and had set up the legal and organizational underpinnings for the effective regulation of foreign labour migration. National legislation includes the Refugees Act, the Foreign Labour Migration, Employment of the Population of the Republic of Belarus Act and the Immigration Act. On May 2001 an act was passed formalizing the accession of Belarus to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. The Government of Belarus reported that it is actively seeking to integrate into the international labour market and that measures have been taken to establish the necessary national and international legal frameworks to regulate relations in this sphere. A draft agreement had been reached between the Governments of Belarus and of the Czech Republic concerning mutual temporary job placement for their citizens. With the help of the International Organization for Migration (IOM), the Migration Committee has reportedly drafted a document to the Ministry of Labour on the specific characteristics of female migration and the protection of the rights and social welfare of women working abroad.

8. The reply of **Qatar** of 2 August 2001 set forth its efforts to guarantee the protection of migrants. The Government reported that it derives its legislation from Islamic Shari'a law, which establishes the principle of

equality of all people in regard to their rights and obligations. Qatar reported that since foreign migrant workers and their families are protected from acts of violence, discrimination and xenophobia under these laws, no such acts occur. In addition, protection measures against offences involving abuse of authority, assault, battery, abortion, endangerment of children and concealment of births are contained in the country's penal code. The Government also reported that the unlawful arrest or detention of individuals, including migrants, is punishable by law. Foreigners who are held in detention are guaranteed the right to contact their consulates at any time, in compliance with Qatar's obligations under the 1963 Vienna Convention on Consular Relations.

9. Large numbers of migrant workers and their families reside in Qatar, where they lead normal lives, engage in their social, educational and cultural activities and benefit from the country's social, health and other public services in a normal manner. Their respective rights and obligations as employees and migrant workers, including wages, working hours, travel expenses and accommodation, are regulated by numerous agreements. In this regard, the Labour Inspection Unit has not reported any complaints from migrant workers in matters relating to discrimination. In closing, the Government expressed its interest in combating and punishing international smugglers of migrants and protecting the victims of this unlawful activity, pointing out that it is currently studying the question of accession to the United Nations Convention against Transnational Organized Crime and its Protocols on trafficking and smuggling.

10. The Government of **Bahrain** in its reply of 7 August 2001, reported that it had ratified the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Labour Organization (ILO) Convention No. 111 of 1985 concerning discrimination and ILO Convention No. 182 of 1999 concerning the elimination of the worst forms of child labour.

11. The constitution of Bahrain guarantees equal treatment of foreign and national labour forces. The Labour Code for the Private Sector includes a provision stipulating equality among all workers, regardless of their nationality, gender, religion or political belief. The Government also reported that migrant workers enjoy all rights, including the right to establish their own associations and clubs in the same way as Bahraini citizens.

12. The submission of **Malaysia** of 9 August 2001 detailed the measures the Government has adopted to promote the protection of migrants. Malaysia is host to over 1 million migrant workers, some 185,000 of whom are domestic workers (mainly women).

13. Under recently adopted case law (28 February 2001), the Employment Act of 1955 and the Industrial Relations Act of 1967 provide equal benefits to migrant workers in Malaysia. The government report states that migrant workers, irrespective of their gender, are remunerated based on the principle of equal pay for work of equal value. Furthermore, incidents of discrimination against legal migrant workers can be brought to the attention of labour enforcement officials for immediate action and investigation. The penalty for such an offence is a fine of up to 10,000 Malaysian ringgit.

14. Regarding children, the Government of Malaysia reported that it has acceded to the Convention on the Rights of the Child, which was incorporated into the Child Act of 2001, as well as two ILO conventions related to child labour. In the case of female migrants, police officers receive complaints related to violence against women, while the Department of Labour deals with labour-related complaints. Non-governmental organizations (NGOs) are reported to play an important role in assisting migrant women who have been abused. The report highlighted the fact that several employers who have mistreated their employees have been prosecuted and that these cases have been publicized in the media.

15. Malaysia also reported that the Foreign Worker's Medical Examination Monitoring Agency is in charge of monitoring and supervising the medical examinations of foreign workers, with the aim of preventing the incidence of communicable diseases.

16. In regard to bilateral and multilateral cooperation, the Government reported that joint border committees have been established with neighbouring countries, and that it is cooperating with Brunei Darussalam, Indonesia and the Philippines to streamline systems and procedures relating to movements of labour. Malaysia's position in regard to illegal migration is to call upon the General Assembly to consider imposing

effective measures with a view to eliminating illegal flows and combating trafficking.

17. The reply of the Government of **Azerbaijan** of 9 August 2001 set forth its efforts to ensure the implementation of General Assembly resolution 55/92. Azerbaijan reported that over a short period of time, intensive migration had created global social economic problems, the solution of which would, in large part, determine the country's future development. The Government stated that the acceptance of the Republic as a full member of the Council of Europe was a confirmation of the country's will to integrate into the international community, through the development of international cooperation, the protection of the equal rights of all those living in Azerbaijan and sustainable social, economic and political development. The Government outlined the difficulties it faced in providing for the needs of the reported 700,000 forced migrants currently living on its territory, particularly in regard to the low level of employment encountered by this sector of society, and provided an account of the increasingly high levels of emigration from the country and the fact that it is becoming one of the main transit countries for irregular migration.

18. In order to respond to the above situation, Azerbaijan reported that urgent measures have been taken to develop a legislative basis to govern the migration process. Parliament has adopted various statutory instruments relating to migration, including the Refugees and Forced Migrants (Status) Act, the Aliens and Stateless Persons (Legal Status) Act, the Residence and Registration of Domicile Act, the Certification of Identity (Azerbaijan Republic Citizens) Act, the Entry, Departure and Passports Act, the Immigration Act and the Labour Migration Act. Furthermore, Azerbaijan has acceded to 15 international legal instruments relating to migration. Under article 69 of its constitution, aliens and stateless persons have the same rights and duties as Azerbaijani citizens, unless otherwise specified by the law. The new labour code is also reported to contain a section on the prohibition of discrimination in labour relations.

19. Azerbaijan has drawn up a framework policy concerning migration, based on international legal standards and national interests. As part of this effort, IOM has provided assistance to improve border control posts, information systems on migration and assistance to forced migrants. A database on labour migration is being established, including the development of statistical indicators for labour migration on accepted international standards. The Government reported that over a relatively short period of time it has undertaken substantial work in the development of social policy, the protection of migrants and the regulation of the migratory process in the country.

20. In regard to the implementation of General Assembly resolution 55/92, the Government of **Argentina** responded, on 13 August 2001, that it has signed bilateral migration accords with the Governments of Bolivia and Peru, on 23 and 24 June 1999, respectively. The Government reported that these accords are aimed at the regularization of migrant workers from both countries and that a similar agreement may be signed with Paraguay. The accords contain safeguards for the protection of migrants' rights, including: the full and effective enjoyment of civil, social, cultural and economic rights; equal treatment for migrant workers; the right of migrants to transfer their personal incomes and savings to their country of origin and the right of migrant children to education, regardless of their immigration status.

21. Argentina also reported that its National Institute against Discrimination, Xenophobia and Racism had promoted information campaigns on the rights of migrant workers as well as other campaigns aimed at preventing xenophobic attitudes in society.

22. On 15 August 2001, **Mexico**, responding to the note verbale of 15 June 2001, detailed the new Government's initiatives to protect migrants. The Government has established an office to assist Mexican migrants abroad; a programme to facilitate the transfer of Mexican migrants' remittances; social projects to reduce emigration from specific areas of the country and incentives for investment in these areas by Mexican migrants abroad; as well as an initiative to allow Mexican migrants to vote from abroad.

23. In regard to migrants living in Mexico, the Government reported that its National Institute for Migration has launched a regularization programme for approximately 10,000 undocumented migrants, mainly of Central American origin.

24. The Mexican Government also reported on its cooperative initiatives in regard to its northern border with the United States of America. These initiatives include: a bi-national Working Group on Migration and Consular Affairs and the creation of 22 consultation mechanisms, which involve Mexican consulates, the

United States Immigration and Naturalization Service and the United States Border Patrol in different locations on the border. The Mexican Embassy in Washington, D.C., and the United States Department of Justice have continued their informal consultations to review cases of violations of civil liberties of Mexican citizens. In early 2001, a high-level working group was created by both countries to identify ways of improving living conditions along the border and combating insecurity in the area. Mexico and the United States are also reported to have signed five memoranda of understanding on issues relating to cooperation along their border.

25. An extensive and thorough report on the protection of migrants was submitted by **Costa Rica** on 22 August 2001. The report provided details on the characteristics of the migrant population in Costa Rica and on existing legislation and principles of law, which favour the protection of migrants' rights. Furthermore, the analysis accounts for the actual situation migrants find themselves in, despite the existence of protection under specific provisions in the law.

26. Costa Rica reported that, according to its census of July 2000, out of the total population of 3,810,170 inhabitants, 296,461 (or 7.8 per cent of the population) are migrants, mainly of Nicaraguan origin. Migrants are employed in the agricultural sector, in the construction trades and in commercial and private services (particularly as domestic workers). Undocumented migrants can regularize their situation in Costa Rica when there are amnesties or when they are primary next of kin of a Costa Rican national. The sons and daughters of migrants who are born in Costa Rica are entitled to Costa Rican nationality.

27. Article 19 of the constitution of Costa Rica states that non-nationals have the same individual and social rights as Costa Ricans, subject to the exceptions and restrictions established by the constitution and by law. In this respect, the Government reported that distinctions between nationals and non-nationals cannot be made in violation of the principle of equality before the law enshrined in the constitution. The Constitutional Court of Costa Rica has ruled that to avoid arbitrary distinctions, any restriction or limitation that differentiates between nationals and non-nationals shall not be deemed constitutional unless it meets the basic requirement of "reasonableness". In this regard, the court declared a certain number of norms unconstitutional because they were found to be irrational and illogical. These include a law that restricted foreigners from occupying public notary posts, rules on percentage quotas for foreign workers in companies and the exclusion of foreign children as potential beneficiaries of primary education grants.

28. The Government of Costa Rica reported that the existing limitations to migrants' rights concern political rights and certain labour rights, in particular: there is an inequality clause in article 68 of the constitution that favours citizens over foreigners when they are in an equal position; there is a prohibition against foreigners holding leadership positions in workers' unions; and there is a ruling that irregular migrants are not allowed to work or carry on any kind of remunerated activity. However, it is also stated that, by law, irregular migrants have equal access to judicial protection and procedures.

29. On the issue of irregular migration, the Costa Rican Government reported that illegal entry to the country is considered a criminal act punishable by expulsion from the country or imprisonment (6 months to a year) in the case of a repeated offence. It is also reported that the Penal Code does not specifically penalize the smuggling of illegal migrants, but does address cases of slave, female and child trafficking. In view of the need to address the question of migrant smuggling, a law is being drafted by the General Office for Immigration and Foreigners of Costa Rica.

30. The report addressed several issues regarding the rights of migrants, including the specific vulnerability of migrant domestic workers, the lack of migrants' knowledge of their rights, and the efforts that have been made to raise their awareness of those rights, as well as the degree of access to education and health given to migrant populations. The report also provided details of cases of detention that have undergone judicial review as well as information on specific projects that are being implemented with the help of the international community, IOM and national NGOs to improve the living conditions of migrants. In closing, the Government noted that it has identified the need to improve training of law enforcement officials owing to reports of abuses committed against Nicaraguan migrants on its border.

31. On 22 August 2001 the Government of the **United States of America** reported that in the past decade more than 13.3 million immigrants had settled in the country, bringing its foreign-born population to

more than 30.5 million people. The Government explained that, in America, worker protection is a shared federal-state responsibility. Legal protections afforded to non-citizen workers are essentially those granted to United States citizens. In recognition of the specific vulnerabilities of some migrant workers, there are laws offering additional protections, such as the Federal Migrant and Seasonal Agricultural Workers Protection Act. The Department of Labour has taken aggressive steps to ensure compliance with labour standards, regardless of immigration status.

32. At the regional level, the Government reported on its role as coordinator for the Summit of the Americas Migrant Worker Initiative and highlighted its efforts to focus on particularly vulnerable groups of migrants (women, children, migrants subject to abuse, discrimination, smuggling and trafficking) within the context of the Regional Conference on Migration in North and Central America.

33. In its report, the American Government stressed that it is working actively to combat the problem of human trafficking. In 2000, the Government enacted the Victims of Trafficking Violence and Protection Act to address the severe human rights abuse suffered by the victims of trafficking. The Act contains provisions, including an increase in the penalties for acts of trafficking and the creation of special visa category for victims and their immediate families, with access to benefits and information about their rights. The Act also provides for the creation of the Office to Monitor and Combat Trafficking to enact the law nationally and internationally.

34. The report from the United States stated that the Government had worked diligently to improve its compliance with the consular notification and access provisions of the Vienna Convention on Consular Relations and that the Department of State has embarked on a wide variety of outreach initiatives to federal, state and local law enforcement officials to improve general awareness of the requirements of the Vienna Convention and various bilateral agreements.

35. The Government of the **Sudan**, in its communication of 5 June 2002, reported that, although it is not a country of immigration, its 1998 constitution provides for the protection of a number of rights to migrants, including the rights to: life; equality before courts of law; the right to Sudanese nationality for long-term residents; and the right to freedom of conscience and religious creed. The requirements aliens must fulfil in order to become Sudanese and to obtain residence permits, which are extendable to family members, were also set out in the report.

36. In its communication of 7 February 2002, the Government of **Romania** reported that its legislation had been modified by the adoption of a law on foreigners (No. 123/2001) and a governmental decree on its application (No. 476/2001). Article 2 of the law on foreigners stipulates that non-nationals enjoy general protection of person and property under the constitution and the underlying laws, and also protection of the rights stipulated in the international treaties to which Romania is a party. In accordance with the revised European Social Charter, article 2 of the same law aims at facilitating and regulating the conditions for family reunification.

37. The reply from Romania also stated that, under article 22 of the new law, individuals are protected from expulsion or deportation when there is credible evidence that the person's right to life and liberty would be endangered in the country to which they would be deported. Similarly, persons are to be protected from expulsion or deportation if it is believed that they would suffer torture, inhumane or degrading treatment or punishment in the country to which they would be sent back. Article 11 of the same law regulates the exceptional and exclusive circumstances that can lead to a rejection of a visa request to avoid arbitrary decision-making in this respect.

38. In regard to governmental decree 476/2001 on the application of the new law on foreigners, the Romanian Government reported that article 79 contains provisions to ensure the respect for the 1963 Vienna Convention on Consular Relations. Additionally, the decree regulates the rights and obligations of migrants in housing shelters.

39. In its communication, dated 10 June 2002, the Government of **Lebanon** responded that, for social, economic and demographic reasons, as well as because of the presence of Palestinian refugees on Lebanese territory, the country is in no position to receive migrants. The Government also reported that it has not ratified the 1951 Convention on the Status of Refugees or its 1967 Protocol. In its communication, Lebanon pointed out that illegal migrants that enter the country often apply for asylum and that their applications are processed exclusively by the Office of the United

Nations High Commissioner for Refugees (UNHCR). Asylum seekers are allowed to remain on Lebanese territory temporarily until they are resettled in a third country or deported to their country of origin if the asylum application is unfounded.

40. On 21 August 2001, the Government of **Mauritius** sent a communication stating that all foreign workers, irrespective of sex, colour or nationality, enjoy the same protection of their human rights as Mauritian workers and are governed by the same labour legislation as local workers. The Government added that the terms and conditions of migrant workers' employment are similar to those of Mauritian citizens and that the same means of redress are available to them in case of conflicts, complaints or breach of contract.

41. The Government of **Cuba**, in its communication of 19 June 2002, expressed its concern that economically powerful States implement discriminatory practices against migrants by closing their doors to those that are really in need of employment while encouraging highly qualified migration, with a negative impact on poorer countries. The Government of Cuba also denounced intolerance against migrants, maintaining that in many countries anti-immigrant political platforms are tolerated, even achieving representation in regional or national governments. The Cuban Government argued that, by closing borders, Governments will not solve the problem of increasing migration flows and that the structural causes of migration should be addressed by more developed States. The Cuban Government reported its concern over levels of impunity granted to traffickers and smugglers, stating that in 1999 its Parliament adopted Law 87 to increase the penalties against human smuggling from Cuba. The Government reported that since the adoption of this law, several people have been condemned for the crime and have even been sentenced to life imprisonment. The Cuban Government denounced the United States Cuban Adjustment Act and stated its concern that the measures adopted since the attacks of 11 September in regard to migrants will have negative consequences on the full enjoyment of their rights.

42. On 18 June 2002, the Government of **Indonesia** reported that, in spite of financial difficulties in the country, migrants are provided with basic humanitarian assistance to cover their immediate needs. The Government also reported that, since the 11 September attacks, the number of irregular migrants from countries such as Afghanistan, the Islamic Republic of Iran, Iraq and Pakistan has soared. Due to this increase, temporary detention centres have rapidly reached over-capacity while at the same time some 260 migrants are said to have returned voluntarily to their homes with the support of IOM.

43. The Government reported that a new immigration law, which includes protection clauses, in particular for women and children, the establishment of mechanisms and procedures for the return of irregular migrants and the criminalization of people smuggling and trafficking, is in the process of finalization.

44. The Government of Indonesia also reported on its close collaboration with Australia, Thailand and New Zealand in matters regarding the follow-up to the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crimes, held from 26 to 28 February 2002 in Bali, Indonesia. The Conference was co-hosted by the Governments of Indonesia and Australia and is reported to have underscored the importance of legal, technical and humanitarian cooperation, addressing root causes of migration and the protection of migrants.

III. Status of the International Convention on the Protection of All Migrant Workers and Members of Their Families

45. Attention should be drawn to the status of ratification of the International Convention on the Protection of All Migrant Workers and Members of Their Families, which requires one more ratification to enter into force. As at 19 June 2002, 19 States had acceded to the Convention: Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Ecuador, Egypt, Ghana, Guinea, Mexico, Morocco, the Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Uganda and Uruguay. The Secretary-General is encouraged by the imminent entry into force of the Convention, which will provide migrants with a specific international legal framework for the protection of their rights. The Secretary-General urges all Member States that have not yet ratified the Convention to consider acceding to this instrument promptly. The Secretary-General also takes this opportunity to recall that upon the entry into force of

the Convention a new treaty monitoring body will be established to monitor compliance of State parties with its provisions.

IV. Activities of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants

46. In General Assembly resolution 56/170 States expressed support for the work of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants. At the fifty-eighth session of the Commission on Human Rights, the Special Rapporteur's mandate was renewed for a second three-year term and she was requested to present a report of her activities to the fifty-seventh session of the General Assembly.

47. During the first three years since the creation of the mandate, the Special Rapporteur has paid official visits to five countries: Canada, Ecuador, Mexico, the region of the United States border with Mexico and the Philippines. The Special Rapporteur is expected to present the reports of her missions to the Philippines, and the United States/Mexico border region at the next session of the Commission in 2003.

48. In the performance of her mandate, the Special Rapporteur has played particular attention to the situation of female migrants and children, especially unaccompanied children. The Special Rapporteur also actively participated in the process leading up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and in the Conference itself. Several of the conclusions and recommendations contained in the report presented by the Special Rapporteur to the fifty-eighth session of the Commission (E/CN.4/2002/94) refer to the follow-up to the World Conference against Racism, particularly in regard to migration issues. Another theme of particular concern to the Special Rapporteur, which was addressed in the aforementioned report, is the question of human smuggling and trafficking and the severe forms of abuse that migrants suffer in this context. The Special Rapporteur highlighted the need to address the issue of corruption linked to smuggling and trafficking and to adopt preventive measures in States of origin, while combating the criminalization of the victims of these illicit activities in transit and destination countries.

V. Conclusions and recommendations

49. The Secretary-General welcomes the efforts made by several Member States to report on the measures they have adopted to protect migrants and encourages those that have not done so to provide him with such information.

50. The Secretary-General takes note of the measures adopted by several countries to ensure that migrants are treated equally before the law in a humane and respectful manner. The Secretary-General is particularly encouraged by those countries that are engaging in bilateral and regional dialogues on migration, including the question of the protection of migrants.

51. The Secretary-General is also encouraged by those States that have presented extensive reports detailing how their legislation is being enforced, the types of problems that the State and the migrants are confronted with when it comes to their protection and some good practices. States are invited to include this kind of information in their next reports on the matter.

52. The Secretary-General expresses his support for the work of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants and encourages her to continue promoting the protection of their human rights at international events. He also encourages the Special Rapporteur to continue her programme of visits and to continue paying attention to the particular situation of migrant women and children.

53. The Secretary-General welcomes the imminent entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and urges Member States who have not done so to adhere to this instrument.

54. The Secretary-General requests Member States to consider ratifying the United Nations Convention against Transnational Organized Crime and its Protocols on smuggling and trafficking.

55. The Secretary-General encourages States to implement their national plans of action, in

particular those aspects relating to migrants, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

56. **The Secretary-General invites States that have not yet done so to provide information on legislative and other measures they are implementing to protect migrants.**